IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ABINGDON DIVISION

| UNITED STATES OF AMERICA |) | |
|--------------------------|--------|--------------------------|
| |) Case | e No. 1:09CR00043 |
| v. |) | ORDER |
| GARY DEAN BALDWIN, | • | James P. Jones |
| Defendant. |) Unit | ed States District Judge |

For the reasons set forth in the Opinion accompanying this Order, it is **ORDERED** as follows:

- 1. The defendant's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C.A. § 2255 is GRANTED based on the finding that counsel was ineffective in failing to consult with the defendant concerning an appeal.
- 2. The clerk SHALL prepare and enter an Amended Judgment, in every respect the same as the previous Judgment except as to date of entry;
- 3. Upon entry of the Amended Judgment, counsel appointed to represent the defendant in the § 2255 proceedings shall consult with

the defendant and, if directed, file a timely notice of appeal from the Amended Judgment; and

4. The clerk SHALL close the § 2255 case, nothing further remaining to be done therein.

ENTER: June 11, 2012

/s/ James P. Jones

United States District Judge